

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KATHY FERRIN,)	
)	Case No. 1:16-cv-00469
)	
Plaintiff,)	District Judge Thomas M. Durkin
)	
vs.)	Magistrate Judge Susan E. Cox
)	
AETNA LIFE INSURANCE COMPANY,)	
)	
Defendant.)	
)	

**PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 52**

Pursuant to Fed. R. Civ. P. 52(a), and this Court’s Order (ECF #80), Plaintiff, KATHY FERRIN, by and through her attorney MICHAEL BARTOLIC of ROBERTS BARTOLIC LLP, hereby moves for the entry of judgment in her favor against Defendant Aetna Life Insurance Company. In support thereof, movant submits and relies upon Plaintiff’s Proposed Findings of Fact (ECF #86) and Memorandum of Law (ECF #87).

The Court should grant Plaintiff’s Motion for Entry of Judgment and award her past due disability benefits, prejudgment interest payable thereon, and a declaratory judgment clarifying her right to future benefits, so long as she meets the policy’s terms and conditions. 29 U.S.C. § 1132(a)(1)(B). Plaintiff seeks reinstatement in the plan and benefits due to her since August 1, 2014 in the amount of \$3,131.44 per month, equal to 60% of her pre-disability earnings (Administrative Record at AR 0283), less the offset for benefits awarded by the Social Security Administration of \$1639.00 per month, consistent with the policy’s terms regarding deductible other income. (AR 0449-454). In addition, Plaintiff seeks prejudgment interest on any past due benefits awarded at the current prime rate. Though Plaintiff sought attorney’s fees and costs

under 29 U.S.C. § 1132(g) in the Complaint, Plaintiff reserves addressing that claim until after a decision on the merits.

WHEREFORE, Plaintiff prays that judgment be entered on her behalf.

/s/ Michael Bartolic
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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on September 6, 2017 a copy of the foregoing was served by operation of the Court's electronic filing systems upon the following counsel of record:

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